

1 E. MARTIN ESTRADA
United States Attorney
2 SCOTT M. GARRINGER
Assistant United States Attorney
3 Chief, Criminal Division
SCOTT PAETTY (Cal. Bar No. 274719)
4 ALI MOGHADDAS (Cal. Bar No. 305654)
Assistant United States Attorneys
5 Major Frauds Section
1100 United States Courthouse
6 312 North Spring Street
Los Angeles, California 90012
7 Telephone: (213) 894-6527/1786
Facsimile: (213) 894-6269
8 E-mail: scott.paetty@usdoj.gov
ali.moghaddas@usdoj.gov
9

Attorneys for Plaintiff
10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 CHRISTOPHER K. KAMON,

17 Defendant.

Case No. 22-MJ-4385-DUTY

GOVERNMENT'S OPPOSITION TO
DEFENDANT'S APPLICATION FOR
REVIEW/RECONSIDERATION OF ORDER
SETTING DETENTION

Hearing Date: January 9, 2023

Hearing Time: 1:30 p.m.

Location: Courtroom of the
Hon. Dale S. Fischer

19
20 Plaintiff United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorneys Scott Paetty and Ali
23 Moghaddas, hereby files this Opposition to Defendant's Application
24 for Review/Reconsideration of Order Setting Detention.

25 //

This Opposition is based on the attached Memorandum of Points and Authorities, the Declaration of Ali Moghaddas and exhibits attached thereto, the files and records in this case, and any additional evidence and argument that the Court may permit.

Dated: January 3, 2023

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

SCOTT M. GARRINGER
Assistant United States Attorney
Chief, Criminal Division

/s/

SCOTT PAETTY
ALI MOGHADDAS
Assistant United States Attorneys

Attorneys for Plaintiff
UNITED STATES OF AMERICA

TABLE OF CONTENTS

MEMORANDUM OF POINTS AND AUTHORITIES.....	1
I. INTRODUCTION.....	1
II. RELEVANT FACTS AND PROCEDURAL HISTORY.....	3
III. ARGUMENT.....	5
A. Defendant Liquidated Assets in this District and Surreptitiously Fled to The Bahamas.....	6
B. Defendant Wired Millions Abroad Using Shell Companies, Relocated to The Bahamas, and Lied to the Maryland Court When Asked About Residency.....	8
C. Millions of Illicit Proceeds from Defendant's Scheme Remain Outstanding.....	10
D. Defendant's Significant Sentencing Exposure in this Case (and Others) Provides Incentive to Flee, which He has Already Acted On.....	13
IV. CONCLUSION.....	14

TABLE OF AUTHORITIES

Page (s)

Cases

<u>United States v. Gebro,</u> 948 F.2d 1118 (9th Cir. 1991)	8
<u>United States v. Kouyoumdjian,</u> 601 F. Supp. 1506 (C.D. Cal. 1985)	8
<u>United States v. Motamedi,</u> 767 F.2d 1403 (9th Cir. 1985)	8
<u>United States v. Townsend,</u> 897 F.2d 989 (9th Cir. 1990)	16

Statutes

18 U.S.C. § 3142(g) (4)	15
-------------------------------	----

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On November 5, 2022, upon his arrival into the United States
4 from The Bahamas, defendant was immediately arrested in Baltimore,
5 Maryland on a criminal complaint alleging one count of wire fraud
6 based on a multi-million dollar fraud scheme that he orchestrated as
7 the Chief Financial Officer ("CFO") of the now-defunct law firm,
8 Girardi & Keese ("GK"). GK and select individuals working there,
9 including disgraced attorney Thomas V. Girardi and defendant, are
10 being investigated for a long-running and wide-ranging scheme to
11 defraud clients by misappropriating nearly \$100 million in settlement
12 money from GK clients. Against that backdrop, the complaint accuses
13 defendant of also carrying out a separate fraud scheme wherein he
14 skimmed well over \$10 million from GK and funneled that money to bank
15 accounts and properties for his own personal benefit.

16 In 2021, soon after news of GK's financial troubles broke amid a
17 slew of civil lawsuits and the firm's ultimate bankruptcy, defendant
18 began liquidating his assets, including through the sale of several
19 multi-million dollar properties. Thereafter, defendant began wiring
20 millions of dollars to foreign accounts located in The Bahamas and
21 elsewhere. Defendant told a former associate that he wanted to leave
22 the country, change his name, and hide. Consistent with that plan,
23 defendant purchased a \$2.4 million home in The Bahamas with stolen
24 funds and even attempted to put that property in the name of an
25 associate to obfuscate his ownership. Then, on September 22, 2022,
26 defendant failed to board a return flight back to the United States
27 from The Bahamas and he remained there for nearly two months until he
28 booked a last minute flight to Maryland.

1 On November 5, 2022, defendant was arrested upon his arrival in
2 Baltimore. After his initial appearance and detention hearing in the
3 District of Maryland, defendant was ordered detained due to his
4 significant risk of flight. Defendant attempts to mitigate that risk
5 now before this Court by characterizing his relocation to a foreign
6 country as a "fresh start" that was "widely known" and "fully
7 transparent," however, defendant ignores that at the time he fled, he
8 was enmeshed in litigation related to his role in the broader GK
9 theft of client funds and personally named in at least one federal
10 lawsuit in which he had successfully avoided service. Defendant was
11 able to avoid service by actively keeping his location unknown,
12 including from his own defense attorneys who did not know where he
13 was until informed by the government of defendant's arrest in this
14 case.

15 Defendant also proffers his \$2.4 million Bahamian property and a
16 \$250,000 unsecured appearance bond. However, as established herein,
17 defendant's Bahamian property was purchased, in part, with tainted
18 funds linked to stolen money from GK. And to the extent defendant
19 proffers cash or other personal assets, the government would request
20 a Nebbia hearing to determine the source of said funds given that
21 much of defendant's assets are directly linked to stolen GK funds.
22 Aside from defendant's personal assets, he also proffers two sureties
23 that can post approximately \$1 million combined, secured by real
24 property. However, as discussed below, defendant's ill-gotten gains
25 from his various schemes far exceed this proposal by more than ten-
26 fold and, most importantly, all of these stolen proceeds have yet to
27 be recovered due to defendant's international transfers of funds.
28 Indeed, in the months leading up to his arrest, including just the

1 day before, defendant drained his domestic accounts by wiring
2 millions out into foreign accounts including accounts in The Bahamas
3 and even in Hungary. To date, the government has not been able to
4 seize any of the millions stolen by defendant. Accordingly, a \$1
5 million bond (when setting aside defendant's own tainted assets),
6 pales in comparison to how much defendant has stolen and still
7 retains and, thus, cannot ensure his appearance at future
8 proceedings. For the reasons stated herein, the government
9 respectfully requests that the Court deny his motion for bail.

10 **II. RELEVANT FACTS AND PROCEDURAL HISTORY**

11 The complaint charges defendant with one count of wire fraud for
12 his involvement in a scheme to steal money from his employer, GK. As
13 GK's CFO, defendant had specific knowledge of GK's finances and
14 supervised the accounting department. Defendant was a signatory on
15 several GK accounts, prepared checks on behalf of GK, including
16 checks drawn on the firm's client trust accounts, and was the
17 principal point of contact for payment of GK's expenses. Defendant
18 carried out his scheme, among other ways, through a series of
19 falsified invoices, fraudulent transfers, and cash kickbacks from GK
20 accounts to a series of entities and bank accounts controlled by a
21 group of co-schemers that defendant directed. Defendant also
22 improperly used GK funds to pay for millions in personal
23 expenditures, such as home renovations to defendant's multiple
24 properties, extensive international travel, and to pay for female
25 companionship. Indeed, two properties in this district that
26 defendant sold in 2021 and 2022 to facilitate his flight to The
27 Bahamas were financed and/or renovated directly with stolen funds
28 from GK accounts. The estimated amount of misappropriated GK funds

1 due to defendant's side scheme is estimated to be well over \$10
2 million. Based on the wire fraud charge, defendant faces a maximum
3 sentence of 20 years' imprisonment, and his Guidelines alone estimate
4 a term of imprisonment of approximately 135-168 months'
5 imprisonment.¹

6 At his initial appearance on the complaint, defendant was
7 ordered detained by the Honorable Matthew J. Maddox, United States
8 Magistrate Judge for the District of Maryland. (See Order of
9 Detention, United States v. Christopher K. Kamon, CR No. 22-mj-3247-
10 MJM (D. Md. Nov. 10, 2022), Dkt. 11.) Defendant was ordered detained
11 based on a finding that by a preponderance of the evidence, "there is
12 a serious risk that the defendant will not appear." (Id.) Judge
13 Maddox listed additional grounds for the detention order based on
14 "reasons stated on the record at the hearing," including defendant's
15 dishonesty regarding where he was currently residing. (See Moghaddas
16 Declaration ("Moghaddas Decl."), Exhibit 1, Detention Hearing
17 Transcript, at 37 ("One significant factor in my determination here
18 is that you claim to pre-trial services to be living with your sister
19 who lives in Maryland over the past few months. But it turns out
20 that your sister didn't know where you lived.").)

21 Upon his arrival in the Central District of California,
22 defendant made his initial appearance before the Honorable Karen L.
23 Stevenson on December 19, 2022 and was ordered temporarily detained
24 pending a detention hearing on December 28, 2022. (Dkt. 10, 11.) At
25

26 ¹ This Guidelines estimate is only for defendant's side fraud as
27 alleged in the complaint. Defendant's potential exposure from the
28 broader scheme perpetrated by Girardi and others, including
defendant, is expected to be greater than the instant allegations as
the losses in the broader scheme are anticipated to near \$100
million.

1 that hearing, Judge Stevenson determined that jurisdiction was proper
2 in the district court and referred defendant's bail motion to this
3 Court. (Dkt. 26, 27.)

4 **III. ARGUMENT**

5 Detention is appropriate where a defendant is either a danger to
6 the community or a flight risk; it is not necessary to prove both.
7 United States v. Motamedi, 767 F.2d 1403, 1406 (9th Cir. 1985);
8 United States v. Kouyoumdjian, 601 F. Supp. 1506, 1508-10 (C.D. Cal.
9 1985). A finding that a defendant is a flight risk need only be
10 supported by a preponderance of the evidence. United States v.
11 Gebro, 948 F.2d 1118, 1121 (9th Cir. 1991).

12 Here, defendant presents a serious risk of flight that cannot be
13 allayed by his proffered bond package. As an initial matter, the
14 charged offense is extremely serious. Defendant was the leader of a
15 fraud that bilked over \$10 million from GK's accounts - accounts that
16 were funded nearly exclusively from client settlement funds.
17 Moreover, defendant is not only implicated in the instant fraud
18 scheme, but also the broader GK fraud spearheaded by Tom Girardi with
19 an estimated loss of nearly \$100 million. The weight of the evidence
20 against defendant is overwhelming.² As the head of accounting,
21 defendant enjoyed unfettered access to GK accounts with virtually no
22 oversight. For example, defendant used GK funds to pay for millions
23 in construction costs for multiple properties he owned, extensive
24

25
26 ² Although Rule 16 has not yet been triggered, the government
27 has already voluntarily provided defendant with substantial discovery
28 related to the instant allegations. Thus, contrary to defendant's
claim that "the Government always proclaims that is has an
overwhelming case against the defendant" (Mot. at 6), the government
has actually provided defendant with concrete evidence of his
culpability in this matter, demonstrating the strength of its case.

1 travel around the world, including on private jets, and even tens of
2 thousands in monthly allowances for female companionship, directly
3 from GK accounts. While the weight of the evidence is the least
4 important of the various factors, it is nonetheless a factor this
5 Court must consider and one that weighs in favor of detention.

6 **A. Defendant Liquidated Assets in this District and**
7 **Surreptitiously Fled to The Bahamas**

8 Defendant's desire to sever community ties also strongly
9 supports that he is a flight risk. Beginning in at least August
10 2021, defendant began liquidating his assets, including through the
11 sale of his residences in Palos Verdes and Encino, California. In
12 fact, in his rush to flee, defendant even sold one of these
13 properties at a loss when factoring the millions of dollars he poured
14 into the property's renovations. Defendant's fire sale of his assets
15 was prompted by news of GK's years-long theft of client funds going
16 public. Over the next year, defendant was implicated in several
17 lawsuits across the country related to GK's theft and even personally
18 named in at least one lawsuit where he successfully evaded service of
19 process until he was arrested in this matter. See, e.g., Edelson PC
20 v. Lira, et al., Case No. 22-8787-JFW (C.D. Cal.), Dkt. 78 (ex parte
21 application requesting extension of time to serve defendant and
22 outlining "diligent efforts" to find defendant including through
23 retention of "professional process servers").

24 While defendant claims that his relocation was "open and
25 transparent," he cannot dispute that even his own counsel's law firm,
26 Skadden, Arps, Slate, Meagher & Flom, LLP ("Skadden Arps"), had no
27 idea where defendant was located. Indeed, Skadden Arps was
28 subpoenaed in October 2022 and provided defendant's Palos Verdes

1 address long after he had sold the property. (See Moghaddas Decl. at
2 Exhibit 2.) And notably, at the time of his arrest, defendant's
3 current counsel, Mr. DiCanio, was also completely unaware that
4 defendant had relocated outside the country to The Bahamas. (Id. at
5 ¶ 4.) Accordingly, defendant's claims that his move was "widely
6 known," including through his proffered family declarations, should
7 be rejected.

8 Defendant's attempts to excuse his flight from prosecution by
9 claiming "cooperation" in civil proceedings and his counsels'
10 communication with the Department of Justice at large must also be
11 rejected. As an initial matter, defendant's claimed "cooperation"
12 with the bankruptcy trustee is demonstrably false. Despite the
13 trustee's attempt to designate defendant as the person most
14 knowledgeable for GK, defendant vigorously opposed the trustee's
15 motion (Moghaddas Decl. at Exs. 6 and 7), and when he lost, he
16 proceeded to invoke his 5th Amendment right against self-
17 incrimination to virtually every question asked of him except his
18 name. (Id. at ¶ 9.) In fact, defendant even declined to verify his
19 current address when asked. (Id.) Moreover, defendant attempts to
20 conflate his counsels' communications with a government attorney in
21 Chicago with the government's criminal investigation in this
22 district. At no time did the United States Attorney's Office
23 ("USAO") for the Central District of California ever communicate to
24 defendant or his counsel that defendant was not a target. In fact,
25 defendant even concedes that no law enforcement officials anywhere,
26 including in Chicago, ever told him that he was not a target.
27 Notably, defendant's own prior counsel states that despite his
28 repeated inquiry, Chicago officials never confirmed that defendant

1 was not a target. (See Steingard Decl. ¶¶ 2-4.) Yet, despite any
 2 such confirmation, defendant still chose to relocate to a foreign
 3 country. Defendant's flight was even more suspect given his specific
 4 knowledge and notice of his criminal exposure. To wit, defendant's
 5 knowledge and notice of his criminal exposure are evidenced by his
 6 multiple declarations submitted in civil proceedings and his repeated
 7 assertion of his rights against self-incrimination. (See, e.g.,
 8 Moghaddas Decl., Ex. 6 at 9, Decl. of Christopher Kamon ¶ 2 ("I am
 9 aware that the United States Attorney's Office for the Northern
 10 District of Illinois is conducting a criminal investigation of
 11 Girardi Keese where I was employed" and "[I will] assert my rights
 12 under the Fifth Amendment . . . and decline to make a statement or
 13 answer any questions . . ."); id. at Ex. 3 at 3, Decl. of
 14 Christopher Kamon ("[I]f called as a witness in pending contempt
 15 proceedings . . . [I would] invoke my constitutional rights to
 16 remain silent").) Thus, defendant's attempt to use silence from the
 17 USAO or the Northern District of Illinois regarding ongoing,
 18 separate criminal investigations to justify his surreptitious
 19 relocation to a foreign country should be rejected.

20 **B. Defendant Wired Millions Abroad Using Shell Companies,**
 21 **Relocated to The Bahamas, and Lied to the Maryland Court**
 22 **When Asked About Residency**

23 After liquidating his assets in this district, defendant began
 24 wiring millions to offshore accounts, including to The Bahamas, where
 25 he told a co-schemer he wanted to relocate. Notably, defendant's
 26 transfers of these funds were all conducted through shell
 27 corporations such as "Star Emerald LLC" and "Birch Leasing Company
 28 LLC". (See Moghaddas Decl., Ex. 4.) Although defendant notes that
 he is listed as the "Contact" or "Caller" for these transactions on

1 internal wire details obtained by the government (Mot. at 9), that
2 does not change the fact that these shell companies were created and
3 used to add yet another layer of separation between defendant and his
4 tainted assets.

5 In addition to defendant's liquidation of assets, he also told
6 an associate that he wanted to get out of the country, change his
7 name, and hide. Consistent with that plan, defendant purchased a
8 \$2.4 million property in The Bahamas and even attempted to put the
9 property in the name of an associate to obfuscate his ownership.
10 Notably, in neither the Maryland Pretrial Services Report ("PSR")
11 nor the PSR prepared in this district does defendant ever mention
12 his property in The Bahamas. In fact, defendant told the Maryland
13 Pretrial Services Officer that he lived with his sister in Maryland
14 despite his sister stating that she was unsure of where defendant
15 physically lived. (Maryland PSR at 1; see also Moghaddas Decl., Ex.
16 1 at 37.) Such "discrepant residential information," in part, formed
17 the basis for the Maryland recommendation of detention. (Maryland
18 PSR at 3.)

19 Defendant attempts to explain this misrepresentation as a
20 technical misunderstanding, i.e., that he used his sister's house for
21 a mailing address. (Mot. at 11.) However, both the Maryland
22 Pretrial Services Officer and Judge Maddox were not convinced (see
23 Moghaddas Decl., Ex. 1 at 37 (" . . . you claim to pre-trial services
24 to be living with your sister who lives in Maryland . . . [b]ut it
25 turns out that your sister didn't know where you lived.")). At best,
26 defendant omitted material information from the Maryland court and
27 staff to avoid detention.

1 Moreover, according to one of defendant's co-schemers, defendant
2 told her to communicate with him using Signal, a messaging
3 application that uses end-to-end encryption to keep anyone from
4 seeing your messages.³ Indeed, when defendant was arrested on
5 November 5, 2022, he had nearly half a dozen digital devices,
6 including four mobile phones. This is consistent with witness
7 accounts that defendant was suspicious of law enforcement
8 investigations and indicates a level of concern over being tracked or
9 apprehended. Although defendant attempts to normalize his possession
10 of multiple mobile phones, it is uncommon, especially for an
11 individual who has been unemployed for nearly two years, to possess
12 four separate mobile devices.

13 **C. Millions of Illicit Proceeds from Defendant's Scheme Remain**
14 **Outstanding**

15 Furthermore, defendant's access to substantial sums of money is
16 especially troubling due to his foreign ties. Indeed, as alleged in
17 the complaint, defendant began liquidating his United States-based
18 assets and wiring significant funds to The Bahamas and elsewhere
19 after allegations of the overall fraud at GK came to light. For
20 example, as noted above, defendant abruptly sold his residences in
21 the United States for approximately \$5.5 million, collectively.
22 Thereafter, defendant wired over \$2.2 million to The Bahamas and at
23 least \$700,000 to a foreign account in Hungary. (Moghaddas Decl. at
24

25 ³ Defendant's attempt to innocently explain his use of Signal to
26 mitigate "costly data fees" is not credible given the millions he has
27 spent in the past several years, including the hundreds of thousands
28 of dollars he spent on monthly allowances for his female
companionhip, the hundreds of thousands spent on exotic sports
cars, and his extravagant shopping sprees, including one outing to
Rodeo Drive where he spent over \$75,000 at one shoe store alone.

1 Exhibit 4.) This money, traceable to defendant's schemes, remains
2 outstanding in whole part due to defendant's continuous transfers of
3 these funds, including up until the day before he was arrested.

4 Defendant now proffers his \$2.4 million Bahamian property in
5 support of his release. (Mot. at 11.) However, this property was
6 directly purchased with the proceeds of the sale of his properties
7 from this district. And, as alleged herein and in the criminal
8 complaint, investigators have already traced significant portions of
9 stolen GK money to those properties. Thus, the use of tainted funds
10 to purchase the Bahamian property must disqualify it as a source for
11 bond. Indeed, the government is in the process of attempting to
12 forfeit this asset and understands that the GK bankruptcy trustee may
13 be working toward the same. That said, forfeiture actions involving
14 overseas assets are complicated and uncertain. Defendant states that
15 the existence of mutual legal assistance and extradition treaties
16 mitigates his flight and transfer of assets. (Mot. at 8-9.) But
17 defendant glosses over the difficulties and delay involved in seeking
18 such remedies. The treaty process (even for countries with whom the
19 United States government has good relationships) is difficult,
20 lengthy, and unpredictable given that it relies on a foreign
21 sovereign to take action.⁴

24 ⁴ Defendant also argues that his relocation to The Bahamas, a
25 foreign country with an extradition treaty with the U.S., somehow
26 mitigates his flight risk. (Mot. at 9.) However, this argument is
27 unavailing. Setting aside the delays and complications with
28 foreign governments noted above, as observed by the Maryland
magistrate judge, defendant's relocation to The Bahamas "could have
served as a launch pad to further flight." (Moghaddas Decl., Ex. 1
at 42 ("It would have been easier for you to flee from [T]he
Bahamas than to fly from the United States given the circumstances
of the case").)

1 Moreover, defendant's proffer of other assets, including a
2 \$250,000 unsecured appearance bond, raises additional issues.
3 Defendant's years-long theft of millions from GK permeates all of his
4 current assets. Indeed, that is the sole explanation for how
5 defendant, "a bookkeeper" at GK with an approximate salary of
6 \$350,000, has lived such an extravagant lifestyle, which has
7 included, among other things, multiple million-dollar properties,
8 numerous exotic sports cars, travel on private jets, and now,
9 representation by no less than six attorneys, including three from
10 Skadden Arps. At a minimum, the government would request a Nebbia
11 hearing pursuant to 18 U.S.C. § 3142(g)(4) before any of defendant's
12 personal assets are proffered to ensure that said assets are not
13 derived from illegitimate sources.

14 Notwithstanding defendant's personal property, defendant also
15 proffers two sureties willing to post a combined \$1 million secured
16 bond. However, defendant's proposed bail package will not adequately
17 ensure his appearance at future proceedings. As noted above,
18 millions of dollars remain outstanding and far exceed the equity in
19 these two properties. Moreover, defendant's scheme involved sending
20 fraudulent funds to friends and family, including his "longest
21 friend," Nelson Kuo, whom he now proffers as a surety. A review of
22 defendant and his co-schemers' bank records reveal at least five
23 checks, for amounts between \$10,000 and \$15,000 (totaling at least
24 \$65,000), from defendant's co-schemer's account to Mr. Kuo's company,
25 Hammer and Wood. (Moghaddas Decl. at Exhibit 5.) While defendant
26 claims that Mr. Kuo's involvement in defendant's scheme is innocent
27 and in exchange for legitimate construction work (Mot. at 12), the
28 fact remains that Mr. Kuo's company received at least \$65,000 of

1 illicit funds directly traceable to GK funds that defendant and his
2 co-schemers stole. Such involvement, even if innocent on Mr. Kuo's
3 part, must disqualify him as a surety.

4 **D. Defendant's Significant Sentencing Exposure in this Case**
5 **(and Others) Provides Incentive to Flee, which He has**
6 **Already Acted On**

7 Last, defendant's sentencing exposure on the underlying charge
8 is significant. The Ninth Circuit has recognized that the greater a
9 defendant's sentencing exposure, the greater his incentive to flee.
10 United States v. Townsend, 897 F.2d 989, 995 (9th Cir. 1990)

11 (affirming order of detention entered after arrest on complaint
12 where, among other factors, defendant faced even graver penalties
13 under the indictment that was subsequently filed and, thus, had "an
14 even greater incentive to consider flight"). Here, if defendant is
15 convicted of the wire fraud charge in the complaint, he will be
16 subject to significant sentencing exposure because of the loss
17 amounts generated by the fraud scheme he orchestrated. Under the
18 applicable sentencing guidelines, defendant's total offense level
19 would be approximately 33, which even assuming a Criminal History
20 Category I would result in a range of 135-168 months. Moreover, this
21 guidelines range does not include defendant's involvement in the
22 larger fraud scheme at GK, which has losses of nearly \$100 million.
23 Thus, defendant's sentencing exposure is significant and yet another
24 factor weighing in favor of detention.

25 Moreover, while defendant is certainly entitled to a presumption
26 of innocence, this Court must consider the weight of the evidence
27 against defendant, and the overwhelming evidence -- which has been
28 produced to the defense already -- demonstrates that defendant
fraudulently transferred millions of dollars from GK's accounts to

1 accounts he owned and/or controlled during a multi-year period.
2 Defendant was also involved in, and on notice of, GK attorneys
3 misappropriating nearly \$100 million of client settlement funds for
4 unauthorized purposes. (See, e.g., Moghaddas Decl., Ex. 3 at 3
5 (defendant's affidavit stating that he intends to invoke his
6 constitutional rights pursuant to the Fifth Amendment); see also id.,
7 Ex. 6 at 9 (same).) Indeed, as noted above, prior to his relocation,
8 defendant was enmeshed in litigation and even evaded service in at
9 least one federal case prior to his instant arrest. Thus,
10 defendant's decision to flee the country while on such notice cannot
11 be characterized as anything but flight to avoid prosecution and
12 civil litigation. While defendant may claim that his background
13 supports that he is not a flight risk, he has failed to rebut his
14 past statements and actions regarding an intent to flee, his access
15 to large sums of money, the serious fraud charges he faces here, and
16 the strong evidence linking him to the embezzlement scheme for which
17 he is charged. Accordingly, the government respectfully requests
18 that defendant's application for bond be denied, and the Court order
19 defendant detained pending the return of an indictment, which is
20 currently set for January 20, 2023.

21 **IV. CONCLUSION**

22 For the foregoing reasons, the government respectfully requests
23 that the Court affirm the previous magistrate judge's detention order
24 in this matter.
25
26
27
28